

EDITOR'S NOTE¹

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With great satisfaction, in the seventh year (**Volume 7**) of the *Revista Culturas Jurídicas*, a journal edited by the Master Program in Constitutional Law of the *Universidade Federal Fluminense* (PPGDC/UFF), opening the year 2020, we release the **Number 16**, whose editorial guideline is "**Legal Cultures and Public Policies: social vulnerability in the natural / urban environment**". In its turn, this Number 16 has important contributions from Brazilian and foreign authors, in order to bring content of interest to the academic community and maintain the standard of excellence and internationalization achieved in previous editions, which guaranteed the journal the **Qualis A2** stratum, conferred by CAPES.

As usual, this time we seek to bring the themes of Legal Research and Law Teaching to the Latin American Environment and Constitutional Law, the marks that identify RCJ in the Brazilian academic community. In this sense, here we bring fourteen articles from the field of professors who teach Constitutional Law in their countries and institutions, articles by researchers who question legal teaching itself, as well as legal research, making us reflect on the choices that we do it day by day.

In the **Articles section**, the first group of texts (all unpublished) addresses different legal cultures and themes related to social struggles in favor of overcoming poverty and socioeconomic inequalities, presenting critical views about contemporary reality in Chile and Mexico, as well as in Soviet experience of the 20th century.

Our **first article** was written by Professor Eric Eduardo Palma González, who holds a PhD in Law at the University of Valladolid, Spain, and is a Full Professor at the Faculty of Law, University of Chile. With the title "**Notes on the Chilean constituent process 2019-2020**", the text exposes the most relevant features of the constituent process currently underway in Chile, based in questions that seek to order the report of what has been happening in Chile since 18 October 2019. The text was translated from the original in Spanish into Portuguese by Isabella Oliveira de Carvalho and Victoria Lourenço de Carvalho, both Master's candidates at PPGDC-UFF. The translation review was carried out by Enzo Bello, Professor at PPGDC-UFF and Chief-Editor of RCJ.

¹ Translation from Portuguese into English by Giuliana Ribeiro Casazza, Master candidate at PPGDC/UFF.

Then, we present our **second article**, by Professor Doctor Alejandro Rosillo Martínez, PhD in Human Rights at Carlos III University of Madrid, Spain, and is a Research Professor at the *Universidad Autónoma de San Luis Potosí*, Mexico. The article is entitled **“Globalization, human rights and civilization of poverty: rethinking human rights in the context of coloniality of power from the thought of Ignacio Ellacuría” / “Globalization, human rights and civilization of poverty: rethinking human rights in the context of coloniality of power since the thought of Ignacio Ellacuría”**, published in its original version in Spanish and in its translation into Portuguese. From the analysis of the different points of views on human rights, the author establishes the roles of each one in Globalization. To propose the content of a liberating vision, it starts from decolonial thinking to understand Globalization as the current moment of the modern colonial capitalist system, and delves into Ignacio Ellacuría's Philosophy of Liberation, mainly in its concept of “civilization of poverty”. The text was translated from the original in Spanish into Portuguese by Flaiza Sampaio, who is a Master's candidate at PPGDC-UFF. The translation was revised by the author himself.

The **third article** of this edition was written by Professor Ricardo Prestes Pazello (PhD in Law at the Federal University of Paraná - UFPR and Professor at PPGD-UFPR, Paraná, Brazil) and by Professor Moisés Alves Soares (PhD in Law at PPGD-UFPR and Professor at UNISOCIESC, Santa Catarina, Brazil). The article is entitled **“Stutchka and the contributions to the Revolutionary Soviet Legal Culture”** and aims to present the contributions of the Soviet jurist P.I. Stutchka to a “revolutionary legal culture”, in view of his performance as a jurist in the Russian Revolution, devising a legal theory for that situation.

The second group of texts in this edition includes theoretical debates and empirical research on current issues in relations involving the State and Public Policies.

Our **fourth contribution** is presented by Professor Newton de Menezes Albuquerque (PhD in Law at the Federal University of Pernambuco - UFPE; Associate Professor at the Federal University of Ceará – UFC; and Full Professor at the University of Fortaleza - UNIFOR, Ceará, Brazil) and Davi Everton Vieira de Almeida (Master's candidate at PPGD-UNIFOR, Ceará, Brazil), entitled **“Autophagy in the Supreme Federal Court: an analysis of Complaint 31.965 / PR in the light of the Jean Bodin’s Theory of Sovereignty”**. The text examines the phenomenon of “autophagy in the Supreme Federal Court” (a term used by Minister Marco Aurélio Mello to refer to the withdrawal of a Justice decision by one of his/her peers) in reference to “judicial activism”, intending to show the relevance of sovereignty to the State organization, considering Jean Bodin’s theory, and from a case study about the “Reclamação n. 31.965/PR”.

The **fifth contribution** to this RCJ edition was written by Professor Charles Emmanuel Parchen (PhD in Law at the Pontifical Catholic University of Paraná - PUC / PR, and Professor at Unicuritiba, Paraná, Brazil), by Professor Cinthia Oblande de Almendra Freitas (PhD in Informatics at the Pontifical Catholic University of Paraná - PUC / PR; and Full Professor at the School of Law and the Master/PhD Program in Economic and Socio-Environmental Law at PUC / PR, Paraná, Brazil) and by Professor Tássia Teixeira from FBE Cavalli (PhD candidate) and Master in Law at PUC/PR, Paraná, Brazil). The article is entitled **“Fake News in the digital age and the absence of public education policies for the use of ICT'S”**, and debates the practice of the so-called Fake News in the Brazilian political and digital environment, in order to alert about the need to adopt governmental public policies that prioritize education for the use of technologies, as it is considered that it is in the absence of education for the use of ICT technologies that Fake News finds an ideal scenery to spread.

The **sixth article** in this issue comes from Professor Vinício Carrilho Martinez (PhD in Education at University of São Paulo - USP; and Associate Professor at Federal University of São Carlos - UFSCAR, São Paulo, Brazil) and Professor Vinícius Alves Scherch (Master in Law at State University of Northern Paraná - UENP, Paraná, Brazil), and has the title **“Theories of the State in the 21st Century: from the reason of State to the disruptive sources of Political Power”**. The text exposes and analyzes theories of the State in the 21st century, theoretical contributions from the Reason of State and the distortion of Political Power in contemporary practice by using the exception as a technique of government.

The **seventh contribution** is the result of the work written in four hands by Professor Ilton Garcia da Costa (PhD of Law at Pontifical Catholic University of São Paulo - PUC / SP; and Professor of the Master Program in Law at the State University of Northern Paraná - UENP, Paraná, Brazil) and by Igor Henrique dos Santos Luz (Master in Law at PPGD-UENP, Paraná, Brazil), and discusses **“The normative force of solidarity: between the adjective of dignity and its supporting character”**. The article aims to analyze the constitutional principle of solidarity, in the context of (neo)constitutionalism, a phenomenon experienced in the post-positivist movement.

The third group of articles in this edition contains studies that deal with the different forms of regulation of urban space and their relationship with the fundamental right to adequate housing.

In **eighth place**, we present an article with the results of the analytical effort of Professor Rodrigo Oliveira Salgado (PhD in Law at the University of São Paulo - USP; and Professor at the Mackenzie Presbyterian University, São Paulo, Brazil) and Professor Fábio

Sampaio Mascarenhas (Master in Law) at the University of São Paulo - USP, São Paulo, Brazil). The article entitled “**The Roaring Twenties and the regulation of urban space: the spatial Keynesianism of the New Deal's antecedents**” has as its object the analysis of the regulation of urban space in the United States in the 1920s and the impact of the 1929 crash for the reconfiguration of the civil construction sector and the American real estate market.

The **ninth work** in this edition was written by Professor Marcelo Nunes Apolinário (PhD in Law at the *Universidad Autónoma de Madrid* - UAM, Spain; and Professor of the Master Program in Law at the Federal University of Pelotas - UFPel, Rio Grande do Sul, Brazil) and Professor Vanessa Aguiar Figueiredo (Master in Law at the Federal University of Pelotas - UFPel, Rio Grande do Sul, Brazil). Entitled “**Access to and demand for the right to housing from the perspective of Governing Constitutionalism**”, the article aims to discuss the phenomenon of the enforceability of the social right to housing, analyzing elements referring to the so-called Constitutionalism and the problem of the lack of justice in the right to decent housing, and the correlation with the little effectiveness of programmatic norms.

The **tenth article** was written by Professor Betânia de Moraes Alfonsin (PhD in Urbanism at the Institute of Urban and Regional Research and Planning at the Federal University of Rio de Janeiro - IPPUR / UFRJ; Professor of the Master Program at *Fundação Escola Superior do Ministério Público* – PPGD-FESMP, Rio Grande do Sul, Brazil), by Débora Carina Lopes (Master in Urban and Regional Planning at the Federal University of Rio Grande do Sul - UFRGS, Rio Grande do Sul, Brazil), by Fernanda Madalosso Guimarães (Graduated in Law at the FESMP, Rio Grande do Sul, Brazil), by Ivone Fátima Mariussi (Master in Law Master Program at *Fundação Escola Superior do Ministério Público* – PPGD-FESMP, Rio Grande do Sul, Brazil), by Paulo Eduardo Berni (PhD candidate in Law at the Federal University of Rio Grande do Sul - UFRGS, Rio Grande do Sul, Brazil; Master in Law at the University and Federal de Santa Catarina - UFSC, Santa Catarina, Brazil) and by Pedro Prazeres Fraga Pereira (Master candidate in Law at the Federal University of Rio Grande do Sul - UFRGS, Rio Grande do Sul, Brazil). The article is entitled “**Mischaracterization of Urban Policy in Brazil: democratization and retrogression**” and explores the process of legislative and institutional modifications of Urban Policy in Brazil after the impeachment of President Dilma Rousseff (2016).

Our next four contributions deal with the theme of human rights, intertwined with the dimensions of the environment, nature and vulnerable social groups.

The **eleventh article** in this issue was prepared by Professor Dr. Giulia Parola (PhD in Law at *Université Paris V - René Descartes*, France; and Visiting Professor in the Master Program in Law at the Federal University of the State of Rio de Janeiro - PPGD / UNIRIO, Rio de Janeiro, Brazil). The article is entitled “**The Escazu Agreement 2018: the novelties introduced by the Agreement, towards an environmental democracy in Latin America and the Caribbean and the impact of COVID-19 in the ratification process**”. The text aims to compare the 1998 UNECE Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters, and the 2018 ECLAC Escazú Agreement on Access to Information, Participation and Justice in Environmental Matters in Latin America and the Caribbean. This text brings the result of the research carried out by the author during her Post-PhD stint at PPGDC-UFF.

The **twelfth contribution** is the result of the joint work of Professors Aline Andrighetto (PhD candidate in Law at the *Universidade do Vale do Rio dos Sinos - UNISINOS*, Rio Grande do Sul, Brazil; Master of Law at the Integrated Regional University of Alto Uruguai and Missões - URI, Rio Grande do Sul, Brazil) and Siméia da Silva Barbosa (Graduated in Law at *Centro Universitário Cenecista de Osório*, Rio Grande do Sul, Brazil). With the title “**The importance of affirming rights for the empowerment of black women**”, the text aims to examine the collaboration of black women's social movements in the legal field, as well as the violation in the labor market of the fundamental right to equality of constitutionally guaranteed treatment.

The **thirteenth article** is written by Professor Antonio Hilario Aguilera Urquiza (PhD in Anthropology at the *Universidad de Salamanca*, Spain; and Associate Professor at the Federal University of Mato Grosso do Sul - UFMS, Mato Grosso do Sul, Brazil), by Marco Antônio Rodrigues (Master in Law at PPGD-UFMS, Brazil) and by Andrea Lucia Cavararo Rodrigues (Master in Law at UFMS, Mato Grosso do Sul, Brazil). With the title “**Indigenous territories and capitalism: observations on the abolition of the Glass-Steagall Law, Neoliberalism and the State**”, the authors seek to examine the abolition of the Glass-Steagall Law and the neoliberal conception, articulating this study with the state policies of demarcating indigenous lands in the border region of the State of Mato Grosso do Sul.

The **fourteenth and last contribution** that makes up this edition was prepared by Professor Gustavo Silveira Borges (PhD in Law at the Federal University of Rio Grande do Sul - UFRGS, Rio Grande do Sul, Brazil; and Professor in the Master Program in Law at the University of Extreme South of Santa Catarina - UNESC, Santa Catarina, Brazil) and by Fábio Gesser Leal (Master candidate at UNESC, Santa Catarina, Brazil), and has the title

“Common and human rights: interaction and new possibilities in the light of the experience of the Medellín horticultural network”. The article aims, in light of the analysis of the experience of the Medellín Horteiros Network (Colombia), to verify whether the common and its practices can serve as a mechanism for the realization of Human Rights, in order to highlight the interaction between concepts and new possibilities.

In the **Interviews Section**, we bring two contributions from the DiGiCULT Research Project - Studies and Research in Digital Law and Cultural Rights at the Federal Rural University of the Semi-Arid (UFERSA – Mossoró, Brazil), coordinated by PhD Professor Rodrigo Vieira (Vice Coordinator in the Master Program in Law of UFERSA), entitled **“The protection of artistic expression freedom as a cultural right in Brazil: case studies of violations between 2016 and 2018”**, started in the half of 2018 and ended in March 2020. The interviewees are: (i) Ari Areia (Actor and Theater Director, Journalist, Black Militant and LGBT, 1st Deputy of State Representative in Ceará, by PSOL): “Shared stories: transsexuality and artistic expression in question”; and (ii) Alessandra Cunha (Ropre) (Visual artist, graduated in Plastic Arts at the Federal University of Uberlândia (UFU), in 2010): “Conservatism on the scaffold: the criminalization of art”.

In the **Dissertations / Thesis Summaries Section**, we bring the abstracts, keywords and other informations related to the Master's dissertations, defended so far, from former students of the PPGDC-UFF – 2018 Class: (i) David Pereira de Araújo - “The control of conventionality in the new South American constitutionalism: a key to entering the engine room?”; (ii) Anderson Luís da Costa Nascimento - “Legal Education and (de)coloniality of knowledge: a quali-quantitative analysis of the Masters in Law Programs in the State of Rio de Janeiro (2010-2020)”; (iii) Caio Cesar Moraes Grande Guerra - "The loose candidacy in Brazil: controversies about political representation in Brazil in the era of mistrust"; (iv) Bruno Joviniano de Santana Silva - “Pedrinhas Prison Complex: vulnerability and selectivity”; (v) Juliana Patrício da Paixão - "Unconstitutional state of affairs: from theory to the consolidation of the thought system in Brazil"; (vi) Rebecca Féo de Oliveira - "Application of constitutional penal principles in sanctioning Administrative Law - Analysis of ANP processes"; and (vii) Tatiana Ferreira Lotfi - “Gender violence at the intersection of the categories ‘woman’ and ‘refugee’”.

We publish this issue with the certainty that the contributions included here maintain and raise the standard of excellence that we continuously seek for RCJ and academic research in the field of Law. Revering once again the authors who provided us with their work, we remind all interested parties that the doors of the RCJ remain opened to receive works

committed to the strength the dialogue between different legal cultures, as well as critically discussing issues that have an impact on society in general.

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